

## APPENDIX A: 59-C-15. COMMERCIAL/RESIDENTIAL ZONES.

### 59-C-15.1. Zones established.

**59-C-15.11.** The Commercial/Residential zones are established as combinations of context designation and a sequence of four factors: maximum total floor area ratio (FAR), maximum non-residential FAR, maximum residential FAR, and maximum building height.

- (a) There are three commercial/residential (CR) contexts with variable uses, density and height limits, general requirements, development standards, and public benefit requirements to respond to different settings. These context designations are:
  - (1) CR Neighborhood (“CRN”);
  - (2) CR Town (“CRT”); and
  - (3) CR Metro (“CR”).
- (b) The context designations are followed by a number and sequence of three additional symbols: C, R, and H, each followed by a number where:
  - (1) The number following the context designation is the maximum total FAR;
  - (2) The number following the “C” is the maximum non-residential FAR;
  - (3) The number following the “R” is the maximum residential FAR; and
  - (4) The number following the “H” is the maximum building height in feet.
- (c) This division uses examples and illustrations to demonstrate applications and intent of the provisions of the Commercial/Residential zones. These examples and illustrations do not add, delete, limit, or modify any provision of this division.

#### *Example:*

CRT3.5 C1.5 R3.0 H150 is a Commercial/Residential Town Zone with a maximum FAR of 3.5, of which up to 1.5 FAR may be non-residential and up to 3.0 may be residential, and a maximum building height of 150 feet. This may result in a number of different kinds of buildings, including a 100-foot building with 1.5 non-residential FAR and 2.0 residential FAR or a 130-foot building with 0.5 non-residential FAR and 3.0 residential FAR. In any case, however, the maximum total density may not exceed 3.5 FAR (except as allowed under particular density transfer provisions) and the maximum building height may not exceed 150 feet.

**59-C-15.12. Density and height allocation.**

**59-C-15.121. Density and height limits.** Each unique sequence of CRN, CRT, or CR, and C, R, and H is established as a zone under the following limits:

Context	Min/Max Total FAR	Min/Max C FAR	Min/Max R FAR	Density Increment	Max H	Height Increment
CRN	0.5/2.5	0.25/2.0	0.25/2.0	0.25	80	5 feet
CRT	0.5/4.0	0.25/3.5	0.25/3.5	0.25	100	5 feet
CR	0.5/8.0	0.25/7.5	0.25/7.5	0.25	300	5 feet

**59-C-15.122. Density averaging.** Permitted density may be averaged over 2 or more directly abutting or confronting properties in one or more CRN, CRT, or CR zones provided that:

- (a) The properties are subject to the same sketch plan and provide public benefits as required for the sum of their total densities;
- (b) The resulting lots and/or parcels are created by the same preliminary subdivision plan or per a phasing plan established by an approved sketch plan;
- (c) The maximum total, non-residential, and residential density limits apply to the entire development, not to individual lots;
- (d) No building may exceed the maximum height set by the zone;
- (e) Uses are subject to the underlying zone allowances and restrictions; and
- (f) The total allowed maximum density on a resulting lot or parcel that is adjacent to or confronting an agriculturally-zoned (subject to Division 59-C-9) or single-family residentially-zoned (subject to Division 59-C-1) lot or parcel may not exceed that allowed by the zone.

\*\*\*insert example\*\*\*

**59-C-15.13. Applicability.** The application of the CRN, CRT, and CR zones is appropriate where environmental impacts from sprawl and green-field development can be avoided by co-locating housing, jobs, services, and amenities in existing and emerging commercial and mixed-use centers and corridors. The CRN, CRT, and CR zones can only be applied by sectional map amendment.

**59-C-15.2. Description and objectives of the CR zones.** The CRN, CRT, and CR zones permit a mix of residential and non-residential uses according to context designation and at varying densities and heights. The zones promote economically, environmentally, and socially sustainable development patterns where people can live, work, recreate, and have access to services and amenities while minimizing the need for automobile use. The objectives of the CRN, CRT, and CR zones are to:

- (a) Implement the policy recommendations of applicable master and sector plans;
- (b) Allow a flexible mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighborhoods;
- (c) Target opportunities for redevelopment of automobile-oriented, single-use areas and surface parking lots with a mix of uses;
- (d) Reduce dependence on the automobile by encouraging development that integrates a balanced combination of housing types, mobility options, commercial services, and public facilities and amenities; and
- (e) Standardize optional method development by establishing parameters for the provision of public benefits.

**Deleted:** land use, environmental, transportation, and design

**59-C-15.3. Definitions specific to the CRN, CRT, and CR zones.** The following words and phrases, as used in this Division, have the meanings indicated. The definitions in Division 59-A-2 otherwise apply.

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**Tenant footprint:** the horizontal area measured within the exterior or interior walls for the ground floor of the main structure allocated to each non-residential tenant.

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**59-C-15.4. Methods of development and approval procedures.** The CRN zones only allow development under the standard method. The CRT and CR zones allow development under the standard method and may allow development under the optional method.

**59-C-15.41. Standard method.** Standard method development is subject to the following limitations and requirements.

(a) Standard Method Density and Height		
Context	Maximum Total Density (FAR)	Maximum Building Height (feet)
CRN	2.5	80
CRT	1.5	80
CR	1.5	80

(b) Zones may be established and mapped at densities and heights lower than the maximums indicated in the table per section 59-C-15.121.

(c) A site plan approval under division 59-D-3 is required for standard method development that:

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- (1) Is adjacent to or confronting a property in an agriculturally-zoned (subject to Division 59-C-9) or single-family residentially-zoned (subject to Division 59-C-1);
- (2) Requests a gross floor area  $\geq 10,000$  square feet; and/or
- (3) Requests a building height  $\geq 45$  feet.

(d) If a site plan is required, standard method development must comply with section 59-C-15.82 regarding the provision of public benefits.

**59-C-15.42. Optional method.** Optional method development is subject to the following limitations and requirements.

(a) Optional Method Density and Height		
CR Context	Maximum Total Density (FAR)	Maximum Building Height (FAR)
CRT	4.0	100
CR	8.0	300

(b) Zones may be established and mapped at densities and heights lower than the maximums indicated in the table per section 59-C-15.121.

(c) A sketch plan is required for all optional method development according to section 59-C-15.43. Subsequent site plan(s) must be submitted for any development on a property with an approved sketch plan.

- (d) All optional method development must comply with section 59-C-15.8 regarding the provision of public benefits to achieve the maximum density and height allowed by the zone.

**59-C-15.43. Sketch Plan.** A sketch plan is required for any optional method development in the CRT and CR zones. Any required preliminary subdivision plan and site plan must not be submitted prior to approval of a sketch plan, but may be filed concurrently.

- (a) A sketch plan application must contain:
  - (1) A justification statement that addresses how the project meets the requirements and standards of this Division and describes how the development will further the objectives of the applicable master or sector plan;
  - (2) Illustrative plans showing conceptual:
    - i. Building massing and height;
    - ii. Locations of public use and other open spaces;
    - iii. Pedestrian, bicycle, and vehicular access, circulation, parking, and loading;
    - iv. Relationships to adjacent buildings and roads;
  - (3) A table of proposed public benefits required under the special regulations for optional method development (section 59-C-15.8); and
  - (4) A general phasing outline of structures, uses, roads, sidewalks, dedications, public benefits, and subsequent preliminary/site plan applications.
- (b) Procedure for a sketch plan:
  - (1) Before filing a sketch plan application, an applicant must comply with the provisions of the Manual for Development Review Procedures, as amended, that concern noticing, site posting, and public meetings.
  - (2) A public hearing must be held by the Planning Board on each sketch plan application no later than 90 days after an application is accepted for review, unless a request to extend this period is requested by the applicant, Planning Department staff, or other interested parties. A request for an extension must be granted if the Planning Board finds it will not constitute prejudice or undue hardship on any interested party. A recommendation regarding any request for extension must be posted no fewer than 10 days before the decision and may be acted upon as a consent agenda item by the Planning Board on or before the 90-day hearing period expires.
  - (3) No fewer than 10 days before the public hearing on a sketch plan, Planning Department staff must submit its analysis of the application, including its findings, comments, and recommendations with respect to the requirements and standards of this division and any other matters that may assist the Planning Board in reaching its decision on the application. This staff report must be included in the record of the public hearing.
  - (4) The Planning Board must act within 30 days after the close of the record of the public hearing, by majority vote of those present and voting based upon the hearing record, to:

- i. Approve;
  - ii. Approve subject to modifications, conditions, and/or binding elements; or
  - iii. Disapprove.
- (5) In approving a sketch plan, the Planning Board must find that the following elements are appropriate in concept for further detailed review at site plan. The sketch plan must:
- i. Meet the objectives, general requirements, and development standards of this Division;
  - ii. Further the objectives of the applicable master or sector plan;
  - iii. Achieve compatible internal and external relationships between existing and proposed building mass and heights and open spaces;
  - iv. Provide satisfactory general pedestrian, bicycle, and vehicular circulation, parking, and loading;
  - v. Delineate an outline of public benefits that compensate for the requested incentive density and comply with the objectives of the applicable master or sector plan and of this Division; and
  - vi. Establish a feasible and appropriate preliminary phasing plan for all structures, uses, roads, sidewalks, public benefits, and site plan applications.

**59-C-15.5. Land uses.** No use is allowed in the CRN, CRT, or CR zones except as indicated below:

- *Permitted Uses* are designated by the letter “P” and are permitted subject to all applicable regulations.
- *Limited Uses* are designated by the letter “L” and are permitted subject to all applicable regulations and the additional restrictions in Section 59-C-15.51.
- *Special Exceptions Uses* are designated by the letters “SE” and may be authorized as special exceptions under Article 59-G.

Use	CRN	CRT	CR
<b>(a) Agricultural</b>			
Farm and country markets	L	P	P
Farm, limited to crops, vegetables, herbs, and ornamental plants	P	P	P
Nursery, horticultural – retail or wholesale		P	P
Seasonal outdoor sales	P	P	P
<b>(b) Residential</b>			
Dwellings	P	P	P
Group homes, small or large	P	P	P
Hospice care facilities	P	P	P
Housing and related facilities for senior adults or persons with disabilities	P	P	P

Life care facilities	P	P	P
Live/Work units	P	P	P
Personal living quarters	P	P	P
<b>(c) Commercial Sales and Services</b>			
Advanced technology and biotechnology		P	P
Ambulance or rescue squads, private	SE	L	L
Animal boarding places	SE	SE	SE
Automobile filling stations		SE	SE
Automobile rental services, excluding storage of vehicles and supplies	P	P	P
Automobile rental services, including storage of vehicles and supplies		L	L
Automobile repair and services	L	L	P
Automobile sales, indoors	L	L	P
Automobile sales, outdoors	L	L	P
Clinic	P	P	P
Conference centers		P	P
Eating and drinking establishments with drive-through service		P	P
Eating and drinking establishments with no drive-through service	L	P	P
Entertainment/performance venues		L	P
Health clubs and gyms	L	P	P
Home occupations, major	SE	SE	SE
Home occupations, registered and no-impact	P	P	P
Hotels and motels	L	P	P
Laboratories		P	P
Dry cleaning and laundry pick-up station	P	P	P
Offices, general	P	P	P
Offices, banking	P	P	P
Recreational facilities, participatory	L	P	P
Retail trades, businesses, and services with tenant footprint ≤ 2,000 square feet	P	P	P
Retail trades, businesses, and services with tenant footprint ≤ 15,000 square feet	L	P	P
Retail trades, businesses, and services with tenant footprint ≤ 60,000 square feet		P	P
Retail trades, businesses, and services with tenant footprint > 60,000 square feet		L	P
Research, development and related activities		P	P
Self-storage facilities		SE	SE
Veterinary hospitals and offices with boarding facilities	SE	L	P
Veterinary hospitals and offices without boarding facilities	P	P	P
Warehousing, not including self-storage, up to 10,000 square feet		P	P

Use	CRN	CRT	CR
<b>(d) Institutional and Civic</b>			
Charitable and philanthropic institutions		P	P
Cultural institutions	L	P	P
Day care facilities and centers	P	P	P
Educational institutions, private	L	P	P
Hospitals	P	P	P
Parks and playgrounds, private	P	P	P
Private clubs and service organizations	L	P	P
Publicly owned or operated uses	P	P	P
Religious institutions	P	P	P

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<b>(e) Industrial</b>			
Manufacturing and production, artisan	P	P	P
Manufacturing, compounding, processing, or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries, synthetic molecules, and projects resulting from biotechnical and biogenetic research and development		L	P
Manufacturing and assembly of medical, scientific, or technical instruments, devices and equipment		L	P
<b>(f) Other</b>			
Accessory buildings and uses	P	P	P
Bus terminals, non-public		P	P
Parking garages, privately owned and operated, not as accessory to an allowed use		P	P
Public utility buildings, structures, and underground facilities	P	P	P
Radio and television broadcast studios		P	P
Rooftop mounted antennas and related unmanned equipment buildings, cabinets, or rooms	P	P	P

**59-C-15.51. Limited uses.**

**59-C-15.511. Applicability.** Uses designated by an "L" in the land use table must comply with the requirements of this section if they are on properties that are:

- (a) Located adjacent to a property in an agriculturally-zoned (subject to Division 59-C-9) or single-family residentially-zoned (subject to Division 59-C-1); or
- (b) Separated from such a property only by the right-of-way of a primary, secondary, or tertiary residential street.
- (c) Where these circumstances do not apply, the use is considered a permitted use.

**59-C-15.512. Restrictions and requirements of limited uses.**

- (a) No structures, parking spaces, or driveway entrances associated with limited uses may be located within 100 feet of the adjacent agriculturally- or residentially zoned property line or, when separated by an applicable right-of-way, within 100 feet of the confronting property line; and
- (b) If associated with an adjacent agriculturally- or residentially zoned property and not separated by an applicable right-of-way:
  - (1) The 100-foot buffer must contain at least an 8-foot high evergreen hedge or tree line, 6-foot solid wall or fence, and one deciduous tree planted at a minimum of every 30 feet; and
  - (2) Illumination levels may not exceed 0.1 footcandles at the subject property line.
  - (3) These requirements replace any applicable parking facility landscaping requirements in section 59-C-15.645.
- (c) If the required distance between a driveway entrance for a limited use and an adjacent agriculturally- or residentially zoned property precludes access to the property, the driveway



may be built closer than 100 feet subject to reasonable mitigating requirements above the minimum standards imposed through site plan approval by the Planning Board.

\*\*\*insert illustration\*\*\*

**59-C-15.6. General requirements.** Development in the CRN, CRT, and CR zones must comply with the following requirements.

**59-C-15.61. Master plan and design guidelines conformance.** Development that requires a site plan must be substantially consistent with the applicable master or sector plan and must address any design guidelines approved by the Planning Board that implement the applicable plan unless the Board finds that events have occurred to render the applicable plan recommendations no longer appropriate.

**59-C-15.62. Streetscape.** Development that requires a site plan must improve the streetscape along the property's frontage consistent with the recommendations of the applicable master or sector plan and must address any design guidelines approved by the Planning Board that implement the applicable plan.

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**59-C-15.63. Bicycle parking spaces and commuter shower/change facilities.** In place of the requirements of Article 59-E regarding bicycle parking spaces, development in the CRN, CRT, and CR zones must comply with the following provisions.

Use	Publicly Accessible Bike Spaces	Private, Secure Bike Storage Spaces	Shower/Change Facilities
<b>(a) Residential</b>			
< 20 units	2	4	n/a
≥ 20 units	0.1 per unit to a maximum of 10	0.5 per unit to a maximum of 100	n/a
Any group living arrangement expressly for senior citizens	0.1 per unit to a maximum of 10	0.1 per unit, not fewer than 2, up to a maximum of 100	n/a
<b>(b) Non-Residential</b>			
< 10,000 square feet	2	2	n/a
10,000 square feet to 99,999 square feet	2 per 10,000 square feet	2 for the first 10,000sf plus one for every additional 10,000sf, up to a maximum of	n/a

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		100	
≥ 100,000 square feet	20	2 for the first 10,000sf plus one for every additional 10,000sf, up to a maximum of 100	One for each gender, available to employees when the building is accessible

**59-C-15.64. Parking.** In place of the requirements of Article 59-E regarding parking space numerical requirements, landscaping, and surface parking facility design, development in the CRN, CRT, and CR zones must comply with the following provisions. All standards and requirements of Article 59-E that are not modified by this section must be followed.

**59-C-15.641. Parking ratios.** Parking spaces must be provided according to the following minimums and maximums. The minimum number of spaces required is equal to the number of parking spaces that would otherwise be required by 59-E for all proposed uses multiplied by the applicable factor in the table or to the ratio indicated:

Use	CRN		CRT		CR			
Distance from a level 1 or 2 transit station or stop:	Up to ½ mile	Greater than ½ mile	Up to ½ mile	Greater than ½ mile	Up to ¼ mile	¼ to ½ mile	½ mile to 1 mile	Greater than 1 mile
<b>(a) Residential</b>								
Maximum:	None	None	59-E	None	59-E	59-E	59-E	None
Minimum:	0.80	1.0	0.70	0.80	0.60	0.70	0.80	0.90
<b>(b) Non-residential for Retail and Restaurant Uses</b>								
Maximum:	59-E	None	59-E	None	59-E	59-E	59-E	None
Minimum:	0.60	0.80	0.40	0.60	4 per 1,000 square feet	4 per 1,000 square feet	4 per 1,000 square feet	0.80
<b>(c) Non-residential for All Other Uses</b>								
Maximum:	59-E	None	59-E	None	59-E	59-E	59-E	None
Minimum:	0.60	0.80	0.40	0.60	0.20	0.40	0.60	0.80

\*\*\*insert examples\*\*\*

**59-C-15.642. Accepted parking spaces.** Parking requirements must be met by one or more of the following means:

- (a) Providing the spaces on site;
- (b) Constructing publicly available on-street parking; or
- (c) Participating in:
  - (1) A parking lot district;

- (2) A shared parking program established by municipal resolution; or
- (3) Entering into an agreement for shared private parking spaces within ¼ mile of the subject lot; provided that the off-site parking spaces must not be in an agricultural (subject to Division 59-C-9), planned unit development (subject to Division 59-C-7), or single-family residential (subject to Division 59-C-1) zone, unless otherwise allowed by this Chapter.

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- (d) Every provided “car-share” space reduces the total number of required spaces by 6 spaces for non-residential uses or 3 spaces for residential uses.

**59-C-15.643. Parking facility design.** The design of surface and above-ground structured parking facilities must comply with the following.

- (a) Surface parking spaces, including the driveway, aisles, stacking areas, or any parking spaces, must not be located between the street and the front wall of the main building or the street and the side wall of the main building on a corner lot; and

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- (b) If a site is adjacent to an alley, the primary vehicular access to the parking facility must be from that alley.

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\*\*\*insert illustration\*\*\*

**59-C-15.644. Drive-through facility design.** Any drive-through service facility must comply with the following:

- (a) No part of a drive-through service facility, including the stacking area, may be located within 100 feet of a property-line shared with an adjacent agriculturally-zoned (subject to Division 59-C-9) or single-family residentially-zoned (subject to Division 59-C-1) lot or parcel;
- (b) No drive-through service window, drive aisle, or stacking area may be located between the street and the front wall of the main building; and
- (c) No drive-through service window, drive aisle, or stacking area may be located between the street and the side wall of the main building on a corner lot unless permanently screened from any street by a 5-foot or higher wall or fence.

\*\*\*insert illustration\*\*\*

**59-C-15.645. Landscaping and lighting.** Except for areas used for internal driveway or sidewalk connections between lots or parcels, landscaping for surface parking facilities must satisfy the following requirements:

Subject	Requirement	
(a) Right-of-way screening	No less than 6-foot wide (excluding any easements) continuous soil panel with stormwater facilities and/or vegetation including a minimum 3-foot high continuous evergreen hedge or fence; and one deciduous tree per 30 feet of street frontage or per the applicable streetscape standards.	Deleted: Minimum Deleted: micro-bioretenction
(b) Property line adjacent to a lot or parcel in an agricultural (subject to Division 59-C-9) or single-family residential (subject to Division 59-C-1) zone	No less than 10-foot wide (excluding any easements) continuous soil panel with stormwater facilities and/or vegetation including a minimum 6-foot high continuous evergreen hedge or fence; and one deciduous tree per 30 feet of street frontage.	Deleted: Minimum Deleted: micro-bioretenction
(c) Property line adjacent to a lot or parcel in any zone not subject to (b) above	No less than 4-foot wide (excluding any easements) continuous soil panel with stormwater facilities and/or vegetation; and one deciduous tree per 30 feet.	Deleted: Minimum Deleted: micro-bioretenction
Internal pervious coverage	10% of parking facility area	
Tree canopy at 15 years growth	30% of parking facility area	
Lighting	Per IESNA standards with full or partial-cut off fixtures and no more than 0.5 footcandles at any property line subject to (b) above.	

\*\*\*insert illustration\*\*\*

**59-C-15.646. Waiver of parking provisions.** The Director, Planning Board, or Board of Appeals may waive any requirement of Section 59-C-15.64 not necessary to accomplish the objectives of this Division and Section 59-E-4.2, and in conjunction with such a waiver may adopt reasonable mitigating requirements above the minimum standards. At least 10 days notice of any request for a waiver under this Section must be provided to all adjoining property owners, affected citizen associations, and Planning Department Staff, if applicable, before a decision may be made.

**59-C-15.7. Development Standards.** Development in the CRN, CRT, and CR zones must comply with the following standards.

**59-C-15.71. Density and height.**

## (a) Standard method.

- (1) The maximum total density for any standard method project is the lesser of the density indicated in the table below or the density established by the zone. The maximum non-residential and residential densities are established by the zone; if either the maximum non-residential or residential density allowed is greater than the standard method density, up to the standard method density may be developed completely with that use.
- (2) The maximum total height for any standard method project is the lesser of the height indicated below or the height established by the zone.

CR Context	Maximum Total Density (FAR)	Maximum Height (feet)
CRN	2.5	80
CRT	1.5	80
CR	1.5	80

## (b) Optional method.

The maximum total density, non-residential density, residential density, and height for any optional method project are specified by the zone.

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**59-C-15.73. Setbacks.**

- (a) A building must not be any closer to a property line shared with a lot or parcel in an agricultural (subject to Division 59-C-9) or single-family residential (subject to Division 59-C-1) zone than:
  - (1) 25 feet or the setback required by the adjacent lot or parcel, whichever is greater; and
  - (2) The building must not project beyond a 45 degree angular plane projecting over the lot measured from a height of 55 feet at the setback determined by (1) above.

\*\*\*insert illustration\*\*\*

- (b) The development of a new building in place of a building existing when the CRN/CRT/CR zone is applied to the subject property may be built to the previously allowed setback if the height of the new building is not increased above the actual existing height of the former building.

**59-C-15.74. Public use space.**

- (a) Standard method: Public use space is not required for any standard method project that does not require a site plan. If a site plan is required, public use space is required as follows:

Gross Tract Area	Minimum required public use space
Less than 5,000 square feet	None

5,000 square feet to less than 3 acres	10% of net tract area
3 acres or more	10% of limits of disturbance

(b) Optional method: For any optional method project, public use space is required as follows:

Minimum required public use space (% of net tract area)				
Gross Tract Area (acres)	Number of existing, planned, or proposed right-of-way frontages			
	1	2	3	4
Less than ½	0	0	0	5
½ to 1.00	0	0	5	10
1.01 to 3.00	0	5	10	10
3.01 to 6.00	5	10	10	10
6.01 or more	10	10	10	10

(c) Wherever provided, public use space must be:

- (1) Calculated on and distributed within the applicable area in the subject application;
- (2) Rounded to the next highest 100 square feet;
- (3) Easily and readily accessible to the public; and
- (4) Must contain amenities such as seating options, shade, landscaping, artwork, fountains, or other public amenities.

(d) Instead of providing public use space on site, an applicant may satisfy the requirement by one or more of the following means, subject to Planning Board approval:

- (1) Implementing public park or public use space improvements for an area equal to the size required within or near the applicable master or sector plan area; or
- (2) Making a payment in part or full for design, construction, renovation, restoration, and/or installation of a publicly-accessible park, cultural resource, or recreation facility within or near the applicable master or sector plan area if the payment is:
  - i. Equal to the cost of constructing an equal amount of the public use space and associated amenities on-site per square foot added to the fair market value of the application property that was required to be public use space per square foot;
  - ii. Used to implement the open space, recreation, and cultural goals of the applicable master or sector plan; and
  - iii. Made within 30 days of the release of any building permit for the subject application.

#### 59-C-15.75. Residential Amenity Space.

(a) Any building containing 20 or more dwelling units must provide amenity space for its residents as follows:

Type of Amenity Space	Area of Amenity Space
Indoor space in a multi-purpose room, fitness room,	A minimum of 20 square feet per unit up to 5,000

and/or other community room(s), at least one of which must contain kitchen and bathroom facilities.	square feet.
Private outdoor recreation space in addition to any public use space or public open space provided.	A minimum of 20 square feet per unit, of which at least 400 square feet must be directly accessible from the indoor amenity space, up to 5,000 square feet.

- (b) The amenity space may be reduced by ½ for any moderately priced dwelling units (MPDUs) or workforce housing units (WFHUs) per MPDU and WFHU on a site within a metro station policy area or where the Planning Board finds that there is adequate publicly-accessible recreation facilities and open space within ½ mile of the subject site.
- (c) The provision of residential amenity space may be counted towards meeting the required recreation calculations under the M-NCPPC Recreation Guidelines, as amended.

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**59-C-15.8. Special regulations for the optional method of development.** This section establishes incentives for optional method projects to provide public benefits in return for increases in density and height above the standard method maximums up to the maximum permitted by the zone.

**59-C-15.81. Incentive density categories.** Public benefits must be provided that enhance or contribute to the objectives of the CRT and CR zones in some or all of the following categories:

- (a) Major public facilities;
- (b) Transit proximity;
- (c) Connectivity between uses and activities and mobility options;
- (d) Diversity of uses and activities;
- (e) Quality of building and site design ; and
- (f) Protection and enhancement of the natural environment.

Section 59-C-15.85 indicates the individual public benefits that may be accepted in each of these categories.

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**59-C-15.82. Public benefits required.**

- (a) Any standard method development that requires a site plan must provide the category requisites as listed in each category in section 59-C-15.85 below.
- (b) All optional method development must provide the category requisites as listed in section 59-C-15.84 below as well as other public benefits as indicated in the following table:

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Context	Minimum Public Benefits Required						Total Points
	Major Facility	Transit Proximity	Connectivity	Diversity	Design	Environment	
CRT	No minimum	No minimum	Category requisite	Category requisite	Category requisite	Category requisite	50 points
CR	No	No	Category	Category	Category	Category	100

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	minimum	minimum	requisite	requisite	requisite	requisite	points
			Must provide benefits from at least three of these categories.				

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**59-C-15.83. General incentive density considerations.** In approving any incentive density based on the provision of public benefits, the Planning Board must consider:

- (a) The policy objectives and priorities of the applicable master or sector plan;
- (b) The size and configuration of the subject site;
- (c) The relationship of the site to adjacent properties;
- (d) The presence or lack of similar public benefits nearby; and
- (e) Enhancements not listed in the individual public benefit descriptions or criteria that increase public access to or enjoyment of the benefit.

**59-C-15.84.** The Planning Board must adopt, publish, and maintain *CR Zones Incentive Density Implementation Guidelines (CRZIDIG)* that detail the standards and requirements for the public benefits enumerated in section 59-C-15.85. The guidelines must be:

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- (a) Consistent with the objectives of the CR zones; and
- (b) In addition to and not supersede any standards, requirements, or rules included in this division.

**59-C-15.85. Individual public benefit descriptions and criteria.**

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**59-C-15.851. Major Public Facilities.** Major public facilities provide public services at convenient locations and where increased density creates higher demands for civic uses and demands on public infrastructure.

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- (a) Major public facilities include, but are not limited to, such facilities as schools, libraries, recreation centers, parks, county service centers, transportation or utility infrastructure upgrades, or other major facilities delineated in an applicable master or sector plan.
- (b) Major public facilities are eligible for a maximum of 40 points in the CRT zones and 70 points in the CR zones.

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**59-C-15.852. Transit Proximity.** Development near transit facilities encourages greater use of transit, controls sprawl, and reduces vehicle miles traveled, congestion, and carbon emissions. Transit proximity points are granted based on service level and CR context as follows:

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Proximity	Adjacent or confronting		Within ¼ mile		Between ¼ mile and ½ mile		Between ½ mile and 1 mile	
Transit Service Level	1	2	1	2	1	2	1	2



CRT	20	10	10	5	5	0	0	0
CR	50	30	40	25	30	20	20	15

- (a) A project is adjacent to or confronting a transit station or stop if it shares a property line, easement line, or is separated only by a right-of-way from an existing or planned transit station or stop and 100 percent of the gross tract area submitted in a single sketch plan application is within ¼ mile of the transit station or stop.
- (b) For split proximity range projects:
  - (1) If at least 75% of the gross tract area in a single sketch plan application is within the closer transit proximity range, the entire project may take the applicable points; but
  - (2) If less than 75% of the gross tract area in a single sketch plan application is within the closer transit proximity range, the points must be calculated as a weighted average of the percentage of area in each range.

**59-C-15.853. Connectivity between uses and activities and mobility options.** Development that enhances connectivity between uses and amenities increases mobility options, encourages non-automotive travel, facilitates social interaction, provides opportunities for healthier living, and stimulates local businesses.

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- (a) **Category Requisite:** The subject site must be within ½ mile of 5 different basic retail services as defined by the *CRZIDIG*, including those provided with the application.
- (b) **Neighborhood Services:** Up to 10 points for proximity to or provision of 5 or more basic retail services in addition to those required by the category requisite.
- (c) **Grey-field Redevelopment:** 5 points for the redevelopment of an infill site as defined by the *CRZIDIG*.
- (d) **Minimum Parking:** Up to 20 points for providing less than the maximum allowed number of parking spaces, if applicable.
- (e) **Through-Block Connections:** Up to 20 points for creating safe and attractive pedestrian connections between streets.
- (f) **Public Parking:** Up to 25 points for providing publicly-accessible parking.
- (g) **Transit Access Improvement:** Up to 20 points for ensuring that access to transit facilities meets County standards for handicapped accessibility.
- (h) **Trip Mitigation:** 15 points for entering into a binding and verifiable Traffic Mitigation Agreement to reduce the number of weekday morning and evening peak hour trips attributable to the site in excess of any other regulatory requirement by at least 50% of the trips attributable to the site.
- (i) **Streetscape:** Up to 20 points for construction of off-site streetscape, excluding any streetscape improvements required under section 59-C-15.62.
- (j) **Advance Dedication:** Up to 30 points for dedicating or providing a reservation for dedication for master-planned rights-of-way in advance of development.

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- (k) **Way-finding:** 5 points for design and implementation of a way-finding system orienting pedestrians and cyclists to major open space, cultural, and transit amenities.

**59-C-15.854. Incentive for diversity of uses and activities.** Integration of a mixture of land uses, housing types, economic diversity, and community activities contributes to more efficient and sustainable communities, reduces the necessity for automobile use, and facilitates healthier lifestyles and social interaction.

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- (a) **Category Requisite:** The subject development must provide or be within 1 mile of existing or approved development with a minimum of:

- (1) 2 different housing types;
- (2) 15,000 square feet of commercial uses; and
- (3) 12,000 square feet of public use space or a public park or trail system.

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**(b) Affordable Housing:**

- (1) All residential development must comply with the requirements of Chapter 25A for the provision of moderately priced dwelling units (MPDUs) except that the percent bonus density achieved in the table in Section 25A-5.(c)(3) is equivalent to points required by this Division.
- (2) Up to 30 points for the provision of workforce housing units (WFHUs) equal to 2 points per % of total units, excluding MPDUs.

- (c) **Adaptive Buildings:** Up to 15 points for constructing all commercial or mixed use buildings with adaptable floor-to-floor heights and open floor plates; the minimum qualifying floor-to-floor heights are 15 feet for any floor that meets grade and 12 feet between all other floors. Internal structural systems must be able to accommodate various types of use with only minor modifications.

- (d) **Care Centers:** Up to 20 points for constructing child or adult day care facilities; the minimum care center that may qualify must provide spaces for at least 15 users.

- (e) **Small Business Retention:** Up to 20 points for providing on-site space for small, neighborhood-oriented businesses.

- (f) **Dwelling Unit Mix:** 5 points for integrating a mix of unit types with at least 7.5% efficiencies, 8% 1-bedroom units, 8% 2-bedroom units, and 5% 3-or-more bedroom units with additional points for a greater number of each unit type.

- (g) **Enhanced Accessibility for the Disabled:** Up to 20 points for constructing dwelling units that satisfy the American National Standards Institute A117.1 Residential Type A standards or units that satisfy an equivalent County standard.

**(h) Diversity Ratio:**

- (1) 30 points for developments over 2.0 FAR that provide a minimum of 30% of the market-rate units as rentals; 30% of the market-rate units for sale; 15% of the units as MPDUs and/or WFHUs (rental or for sale); and 10% of the total FAR as retail trades, businesses, and services of a general commercial nature.

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- (2) 10 points for developments of up to 2.0 FAR that provide at least the greater of 3 units or 10% of the total unit count as live/work units.

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**59-C-15.855. Incentives for quality building and site design.** High quality design is especially important in urban, integrated-use settings to ensure that buildings and uses are visually compatible with each other and adjacent communities and to provide a harmonious pattern of development. Due to increased density of these settings, buildings tend to be highly visible and high quality design helps attract residents, patrons, and businesses to these settings. Location, height, massing, façade treatments, and ornamentation of buildings affect sense of place, orientation, and the perception of comfort and convenience. The quality of the built environment affects light, shadow, wind, and noise, as well as the functional and economic value of property.

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- (a) **Category Requisite:** Elevations of architectural façades must be provided at site plan and particular elements of design, such as minimum amount of transparency, maximum separation width between doors, and awning, sign, or lighting parameters that affect the perception of mass and neighborhood compatibility may be binding on the applicant.
- (b) **Historic Resource Protection:** Up to 20 points for the preservation and/or enhancement or a payment towards preservation and/or enhancement of a historic resource indicated on the Master Plan for Historic Preservation in conformance with a plan approved by the Historic Preservation Commission.
- (c) **Structured Parking:** Up to 20 points for placing parking within above- or below-grade structures.
- (d) **Tower Step-back:** 5 points for stepping back a building's upper floors by a minimum of 6 feet behind the first floor façade at a maximum height of 72 feet with additional points for greater step backs and/or step backs at lower heights.
- (e) **Public Art:** Up to 15 points for installing public art reviewed for comment by or paying a fee accepted by the Public Arts Trust Steering Committee.
- (f) **Public Open Space:** Up to 20 points for providing or making a payment for open space in addition to the minimum public use space required by the zone.
- (g) **Exceptional Design:** Up to 10 points for building and/or site design that is determined by its visual and functional impact to enhance the character of the setting per the purposes delineated in this Section.
- (h) **Public Charette:** 10 points for conducting a public charette prior to the required pre-submittal meeting for a sketch plan during which input is solicited from parties that are required to be noticed. Documentation and discussion of promotion of the event, the charette process, and responses to input is required.

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**59-C-15.846. Incentives for protection and enhancement of the natural environment.**

Protection and enhancement of natural systems and decreases in energy consumption help mitigate or reverse environmental impacts such as heat island effects from the built

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environment, inadequate carbon-sequestration, habitat and agricultural land loss, and air and water pollution caused by reliance on the automobile.

(a) **Category Requisite:** Sensitive Environment Avoidance and Restoration

(1) In the CRN & CRT zones, development must:

- i. Not impact any imperiled or endangered species or natural habitats, prime agricultural soils, wetlands, or steep slopes, as indicated on an approved NRI/FSD; or
- ii. If impacted, restore an equivalent natural habitat at a rate equal to twice the affected area on- or off-site per an approved site plan.

(2) In the CR zones, development must meet (1) above and must purchase BLT easements or make payments to the Agricultural Land Preservation Fund that equal 5% of the incentive density floor area under the following parameters:

- i. 1 BLT must be purchased or equivalent payment made for every 20,000 square feet included in the 5% incentive density;
- ii. Any private BLT easement must be purchased in whole units; or
- iii. BLT payments must be made to the Agricultural Land Preservation Fund, based on the amount established by Executive Regulations under Chapter 2B; if a fraction of a BLT easement is needed, a payment based on the gross square footage of incentive density must be made to the Agricultural Land Preservation Fund for at least the fraction of the BLT easement.

(b) **BLTs:** Up to 30 points for the purchase or payment of BLTs for any incentive density above 5%. In such a case, each BLT easement purchase or payment is equal to 30,000 gross square feet of incentive density or a proportion thereof, allowed by a payment for a fraction of a BLT. This is converted into points by dividing the incentive density gross square feet covered by the purchase or payment by the total square feet of the incentive density area.

*Example:* If a 50,000 square-foot, CR3.0 FAR site is fully developed, the incentive density = 125,000 square feet (total density minus standard method density). Thus, 5% of 125,000 square feet = 6,250 square feet, which equals 0.32 BLTs. If an additional 10 points were desired through the purchase of BLTs, 10% of the incentive density must be calculated, which in this case is 12,500 square feet. Since 1 BLT = 30,000 square feet, this 12,500 square feet is equal to 0.42 BLTs. Together the required and incentive BLTs equal 0.74 BLTs for 10 points in the Environment category.

(c) **Energy Conservation and Generation:** 10 points for constructing buildings that exceed the energy-efficiency standards for the building type by 17.5% for new buildings or 10% for existing buildings, and 15 points for providing renewable energy generation facilities on-site

or within ½ mile of the site for a minimum of 2.5% of the projected energy requirement for the development.

- (d) **Vegetated Wall:** 5 points for the installation and maintenance of a vegetated wall that covers at least 30% of any blank wall or parking garage façade that is at least 300 square feet in area and is visible from a public street or open space with additional points for greater coverage of a greater area.
- (e) **Tree Canopy:** 10 points for tree canopy coverage at 15 years growth of at least 25% of the on-site open space with additional points for greater coverage or use of native species.
- (f) **Vegetated Area:** 5 points for installation of plantings in a minimum of 12 inches of soil covering at least 5,000 square feet with additional points for greater coverage, soil depth, and/or creation of habitat. This does not include vegetated roofs.
- (g) **Vegetated Roof:** 10 points for installation of a vegetated roof with a minimum soil depth of 4 inches and covering at least 33% of a building's roof, excluding space for mechanical equipment with additional points for greater soil depth and/or coverage.
- (h) **Cool Roof:** 5 points for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12 and a minimum SRI of 25 for slopes above 2:12.
- (i) **Recycling Facility Plan:** 5 points for providing a recycling facility plan to be approved as part of a site plan for buildings that must comply with Montgomery County Executive Regulation 15-04AM and Montgomery County Executive Regulation 18-04.

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#### 59-C-15.9. Existing approvals.

\*\*\* insert section from current code \*\*\*